

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

04-CR-6128L

v.

SANTO CASTILLO-MARTINEZ,
HENRY CASTILLO-VALDEZ,
FRANK RIJO,
GERARDO ORTIZ,
JOSEPH HERNANDEZ,
VICTORINO HERNANDEZ,

Defendants.

This case is currently scheduled for trial on March 2, 2007 with defendants Santo Castillo-Martinez, Henry Castillo-Valdez, Frank Rijo, and Gerardo Ortiz. The trial is hereby adjourned, without date.

I have been advised that two other named defendants, Joseph Hernandez and Victorino Hernandez, have recently been arrested. Joseph Hernandez was arraigned on January 4, 2007, and Victorino Hernandez on January 12, 2007.

Generally, jointly charged defendants should be tried together, and I see no reason not to proceed with that assumption. Neither of the Hernandez defendants have had the benefit of discovery and neither have determined whether to file motions. Therefore, forcing them to trial on

March 2, 2007, seems unrealistic. But, I see no reason not to schedule the trial as soon as practicable.

Therefore, I hereby schedule an appearance for status on March 2, 2007 at 11:00 a.m. in order to reschedule the trial. By that time, the Hernandez defendants should be in a position to advise what pretrial matters need to be completed prior to trial. I understand that their motions are due March 16, 2007. All counsel should be prepared on the above date to schedule trial, most likely in late Spring or early Summer of 2007.

At the trial status date on March 2, 2007, all defendants must be represented by counsel or have a representative who has authority to schedule a day-certain trial. This status conference date will not be adjourned. If counsel is unable to attend, he must provide a representative for trial-scheduling purposes.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 16, 2007.